

Message Text

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ACTION SS-25

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C O R R E C T E D C O P Y //PAR 4 LN 3//

E.O. 11652: XGDS-2
TAGS: PFOR, CY, US, SY
SUBJECT: DAVIES INVESTIGATION

1. THE NICOSIA DISTRICT COURT MET ME ON THE DAVIES CASE EARLIER TODAY, MARCH 10. IN VIEW OF THE ABSENCE FROM CHPRUS OF GEORGE POLYVIOU, THE EMBASSY COUNSEL, WE ARRANGED FOR A SENIOR EMBASSY FSLE TO ATTEND THE HEARING IN AN UNOFFICIAL CAPACITY. HE MET WITH THE JUDGE PRIOR TO THE HEARING AND LEARNED: (A) PRELIMINARY INQUIRIES HAVE DEFINITELY BEEN RULED OUT; (B) IT WAS "99 PERCENT CERTAIN" THAT THE DAVIES CASE WOULD BE HEARD BY THE REGULAR ASSIZES COURT, BEGINNING ON MAY 7, 1977; (C) THE JUDGE WILL MAKE A FORMAL PRONOUNCEMENT TO THAT EFFECT ON MARCH 14 OR 15; AND (D) THE SCHEDULED HEARING LATER IN THE MORNING WOULD BE PRO-FORMA ONLY.

2. WHEN THE COURT MET AT 1130 HOURS ON MARCH 10, THE JUDGE ANNOUNCED HE HAD THE ASSENT OF THE A/G TO FORWARD THE CASE DIRECTLY TO THE ASSIZES COURT, BUT STILL NEEDED THE ASSENT OF THE DEFENSE COUNSEL. THE FOLLOWING THEN ENSUED, AS REPORTED TO PHERSON BY THE EMBASSY FSLE:
A. MANOLIS CHRISTOPHIDES (COUNSEL FOR KTIMATIAS) SAID HE WOULD ASSENT, BUT HE HAD NOTED IN THE SUMMARY OF EVIDENCE THAT
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WITNESS NO. 18 HAD MENTIONED SEEING FILMS AND IDENTIFYING KTIMATIAS FROM THEM. HE WANTED A COPY OF THE FILMS, OR PHOTOGRAPHS DERIVED FROM THEM, AS WELL AS POLICE SKETCHES, ETC., BEFORE HE ASSENTED. THE A/G'S REPRESENTATIVE RESPONDED THAT THE FILMS COULD NOT BE RELEASED TO THE DEFENSE COUNSEL.
B. LEFCOS CLERIDES (COUNSEL FOR SAAVA) SAID HE WOULD NOT ASSENT UNLESS THE A/G WOULD PROVIDE THE DATES ON WHICH THE

VARIOUS GAVE THEIR STATEMENTS. HE SAID THESE STATEMENTS COULD HAVE BEEN GIVEN TWO OR TWO AND HALF YEARS AFTER THE RIOTS OF AUG 19, 1974, AND THE SPECIFIC TIME FRAME WAS OF PARAMOUNT IMPORTANCE TO THE DEFENSE. COSTAS INDIANOS (COUNSEL FOR LEFTIS) SUPPORTED CLERIDES.

C. AFTER FURTHER DISCUSSION, THE JUDGE DIRECTED THE REPRESENTATIVE OF THE A/G TO FURNISH THE DEFENSE COUNSEL THE REQUESTED DATES AND TO GIVE CONSIDERATION TO FURNISHING PHOTOGRAPHS (BUT NOT TELEVISION FILM COVERAGE), THE POLICE ARTISTS' SKETCHES SHOWING THE POSITIONS OF THE ACCUSED AND THE WITNESSES, AND THE REPORTS OF THE BALLISTIC EXPERTS. THIS WAS TO BE DONE BY SATURDAY, MARCH 12. THE COURT WILL MEET AGAIN ON TUESDAY, MARCH 15, FOR THE FORMAL PRONOUNCEMENT TO REFER THE CASE DIRECTLY TO THE ASSIZES COURT. THE A/G'S REPRESENTATIVE MADE NO RESPONSE AT THIS POINT.

3. AT 1600 HOURS ON MARCH 10, PHERSON MET WITH ASST. CMDR. CYPOL FANIS DEMETRIOU. DEMETRIOU ADVISED THAT CYPOL WAS PREPARING COPIES OF THE POLICE ARTISTS' SKETCHES AND MEMORANDA SETTING FORTH THE SPECIFIC DATE EACH WITNESS FURNISHED HIS STATEMENT. HE ASSURED PHERSON THAT UNDER NO CIRCUMSTANCES WOULD ANY FILM OR PHOTOGRAPHS BE GIVEN THE DEFENSE COUNSEL.

4. PHERSON REQUESTED A COPY OF THE SUMMARY OF EVIDENCE, WHICH HAD BEEN FURNISHED THE DEFENSE COUNSEL. DEMETRIOU SAID THE REQUEST WOULD HAVE TO BE MADE TO THE ATTORNEY GENERAL.

5. DEMETRIOU SAID THE CASE WOULD DEFINITELY BE REFERRED TO THE ASSIZES COURT ON MARCH 15. HE ADDED THAT ALL CASES
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SO REFERRED ARE GIVEN THE SAME DATE IN MAY FOR THEIR HEARING. ON THAT DATE, WHICH WILL PROBABLY BE MAY 7, THE ASSIZES COURT DRAWS UP ITS CALANDER FOR THE PRIORITY IN WHICH THE CASES WILL BE HEARD.

6. COMMENT: THE SENIOR FSLE WHO WAS AT THE HEARING ON MARCH 10 IS NOT TRAINED IN THE LAW BUT IS AN INTELLIGENT, ASTUTE OBSERVER WHO IS ALSO A SOCIAL ACQUAINTANCE OF A NUMBER OF THE GOC JUDICIARY. DEMETRIOU GAVE PHERSON HIS ASSESSMENT OF THE TRIAL PROCEEDINGS AS A SENIOR POLICE OFFICIAL. NEITHER COULD ASSURE US TO OUR SATISFACTION THAT THE DEFENSE WILL NOT OBTAIN SOME PHOTOGRAPHS. TO BE SURE, WE WILL BRIEF GEORGE POLYVIOU ON THE MARCH 10 PROCEEDINGS AS SOON AS HE RETURNS TO CYPRUS, AND ASK HIM TO MAKE REPRESENTATIONS TO ENSURE THERE IS NO MISUNDERSTANDING REGARDING THE PHOTOGRAPHS, AND THAT THEY ARE NOT USED IN ANY LEGAL PROCEEDING.
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